

**Commission on Security & Cooperation in Europe:
U.S. Helsinki Commission**

“State of Media Freedom in the OSCE Region”

**Committee Members Present:
Representative Alcee Hastings (D-FL), Chairman**

**Witness:
Harlem Désir,
Representative on Freedom of the Media,
Organization for Security and Cooperation in Europe (OSCE)**

**The Hearing Was Held From 3:00 p.m. To 4:04 p.m. in Room HVC-210,
Capitol Visitor Center, Washington, D.C., Representative Alcee Hastings (D-
FL), Chairman, Commission for Security and Cooperation in Europe,
presiding**

Date: Thursday, July 25, 2019

HASTINGS: (Sounds gavel.) The Commission will now come to order. And good afternoon to everyone who has joined us for today's hearing on the "State of Media Freedom in the OSCE Region." I'm very, very pleased to welcome my old friend Harlem Désir, who's come all the way from Vienna to testify for the first time before the Commission on Security and Cooperation in Europe. The last time we were together was in Paris, when he was a parliamentarian, hosting me for consultations on inclusion and integration in France. And, Harlem, that was one of my more exciting trips. I remember during that period of time we took a bus ride to an area where there were a whole lot of apartments, and I didn't – realized I had only been to Paris. I hadn't seen that part of the suburbs.

But I was heartened by his appointment as OSCE Representative on Freedom of the Media in July of 2017, a role leading what has become one of the most impactful OSCE institutions. I know that I speak on behalf of our commissioners when I say we look forward to hearing your candid assessment of the state of media freedom. And equally important, the safety of our journalists. As you know better than anyone, 2019 has seen a continuation of an alarming trend of increased violence, attacks, intimidation, and legal and online harassment targeting the courageous men and women who work as journalists, not just within the OSCE region, but all around the world. And, footnote there, when I said online, I'm more than delighted that you all visited the Facebook, and other people that are in charge of the platforms and social media.

These men and women take enormous risks – the journalists – simply by doing their jobs, which is an unacceptable status quo. We must not take the work they do and the risks they take for granted, for good journalism is absolutely critical to a well-functioning and healthy democracy. Harlem, you and I both know that when you impinge on or restrict the ability of journalists to do their jobs, it is ultimately the citizens who suffer the most because when they lack access to credible, relevant information about the issues most important to their lives, they're unable to make good, informed decisions about who they elect and the policies they support. Simply put, when freedom of speech suffers, the whole of society suffers.

Sadly, the United States is not immune to this alarming uptick of violence against the media. Only a few weeks ago we marked the one-year anniversary of the terrible attack on the offices of the Capital Gazette in Annapolis, Maryland, just a short drive from where we sit today. Five innocent people lost their lives on that awful day and gunned down while in their office doing the work they love so much.

Harlem, I've been encouraged by your strong advocacy in support of all those journalists who have been threatened, intimidated, attacked, and even murdered since you became the Representative for Freedom of Media. I'm heartened by how quick you are able to respond whenever a journalist is arrested, detained, assaulted, or otherwise put at risk. Your voice, the voice of the Organization for Security and Cooperation in Europe, matters. We cannot and should not allow those who want to silence the voice of independent media to succeed.

The conference you hosted last April, Journalists Under Attack: A Threat to Media Freedom, is just one example of your advocacy. Your swift support for individual journalists who are being threatened or detained are another, but speak to your office's ongoing

commitment to addressing this alarming trend by appealing directly to governments and civil society to do all they can to end impunity for such attacks and to improve the overall climate so that journalists can carry out their important work in a safe, secure environment.

I know you are also concerned, as are we, about how to address the pernicious problem of online content that is malicious, extremist, or even worse, seeks to incite or manipulate public opinion with lies without – to use a colloquial expression – throwing the baby out with the bathwater. We want to ensure that as bad as some of the disinformation, propaganda and hateful rhetoric can be, we must be careful not to overreact and inadvertently limit free speech online. It is a delicate balance to strike, and we need to get it right.

And you are making a tremendous contribution in that regard. Your remarks before the Human Dimension Committee on April 10th compellingly laid out the problem and the options for dealing with it. I hope it will become a priority for you and your team in the coming year. We, on the Commission, stand ready to assist the OSCE's effort to confront the scourge of disinformation.

Finally, we recognize that you have a difficult but very important role. We want to hear your concerns, share your own, and hopefully conclude with a clearer sense of how we can work more productively together. These are not easy problems to solve. You must be an advocate for the rights of the media to do their important work, and a staunch defender of freedom of speech, while at the same time attacking the malicious threat of disinformation and hateful rhetoric. It is a worthwhile pursuit, my friend and brother. And we on the Commission want to be as helpful as we can as you carry out your mandate.

Look forward to hearing specific – your specific goals and priorities for the remainder of your tenure. With that, my colleagues aren't here yet. Hopefully several of them will come. I explained to you that this is a particularly busy day – so-called get-away day. And so I'll turn it over to you now, Harlem.

DÉSIR: Thank you very much, dear Chairman Hasting(s), dear Alcee. Distinguished Commissioner, ladies and gentlemen, thank you for the invitation to discuss with you today the state of media freedom and freedom of expression in the OSCE region. It's a great honor to be in front of your commission, which is a strong supporter of the human dimension in the OSCE, and in particular of the mandate and the role of my institution in defending media freedom and freedom of expression. In the last two years, since my appointment as the OSCE Representative on Freedom of the Media, I've raised about 800 interventions with the OSCE participating states.

This is a staggering number of media freedom cases in the 57 states. While the challenges and dangers that journalists face differ from country to country, one sad fact is true everywhere. Safety of journalists, freedom of expression, and media freedom are questioned and challenged from many sides. Some of these challenges are blatant, others concealed. Some of them follow traditional methods to silence free speech and critical voices. Some use new technologies to suppress and restrict the free flow of information and media pluralism, and far too many result in physical harassment and daily violence against journalists.

I just presented my latest report to the OSCE Parliament Council, which covers the last seven months. Out of these 240 recent interventions, 92 were related to safety of journalists, including three shootings, seven assault attacks, and two killings. I would like to warn in particular against the risk of normalizations and indifference to this violence. On 20th of June, Vadym Komarov, a journalist from Cherkasy, Ukraine, died from his wounds following a brutal attack in May. Komarov was investigating corruption and abuses of power in his city for many years and had been attacked in the past. This death sent a clear and sordid message intimidation to many of his colleagues working the same issues in the country.

His death did not generate much international attention or outrage. He was the second killed journalist this year in the OSCE region. In April 29-year-old journalist Lyra McKee was shot while covering riots in Northern Ireland in the United Kingdom. These two killings follow many others in recent years in the OSCE region. The assassination of Daphne Caruana Galizia in October 2017, in Malta. The murder of Ján Kuciak and his fiancée in Slovakia in February 2018. Both journalists were investigating on corruption. But I also think of the killing of five journalists and media workers of Capital Gazette in Annapolis, Maryland in June 2018, by a man who was unhappy with the newspaper reporting. And I also remind the gruesome terrorist attack against Charlie Hebdo cartoonists and journalists in Paris in 2015. Recently, we were all shocked by the killing of Jamal Khashoggi in the Saudi Consulate in Istanbul.

It will take most of the day to read all the names of the over 400 journalists killed in the OSCE region in the last 25 years, including Anna Politkovskaya in Russia, Pavel Sheremet in Ukraine, Hrant Dink in Turkey, Slavko Ćuruvija in Serbia, and Dusko Jovanovic in Montenegro, among many others. Here, I want to underline that in most of the cases, in addition to the killing of a journalist, we are facing a second crime, which is impunity. In 85 percent of the murders of journalists in the OSCE region, the killers or those who order the assassinations were neither identified or convicted. This is an encouragement for more attacks against journalists. Many other journalists are submitted to a permanent state of threats and intimidation.

In May Hakan Denizli in Turkey was shot in the leg outside of his home while taking his four-year-old grandchild to daycare. Last year in Montenegro, it was Olivera Lakić, who was shot in the leg outside of her home. Many other journalists were beaten, threatened, their family intimidated, their property vandalized. Safety of journalists must be our shared goal. And we must put an end to impunity. This was confirmed by all OSCE participating states in adopting the Ministerial Council Decision on Safety of Journalists in December 2018 in Milan. In this decision, the 57 ministers expressed a concern over, I quote, “abuses committed in relation to the safety of journalists, including those involving killing, torture, enforced disappearance, arbitrary arrest, arbitrary detention, and arbitrary expulsion, intimidation, harassment and threats of all forms, such as physical, legal, political, technological, economic, intended to suppress their work.”

It is important that they recognize that safety is much broader than physical safety, and that it also includes legal safety. The Ministerial Council also recognized that female journalists face a majority of online violence, harassment, and intimidation as women and as journalists. And just after this hearing, we will present a documentary called, “A Dark Place,” on this issue of safety of female journalists online. The 57 participating states also urged, I quote, “Political

leaders, public officials, and all authorities to refrain from intimidating, threatening, or condoning, and unequivocally condemn violence against journalists.” It is truly necessary, and this Ministerial Council decision must be implemented.

Journalists are the targets, but fundamentally what is under assault is the role of the media in democracy. This role is not accepted by many people in many sectors of the society. We have even seen crowds attacking journalists during demonstrations. But the state has a particular responsibility to protect journalists and to protect their role in democracy. In April this year, and you referred to it, I gathered over 200 journalists from more than 30 countries, many of them having been attacked, with officials from participating states to enhance our joint effort in promoting a safe environment for journalists to increase the fight against impunity and to investigate properly each threat. I proposed to the states to establish working groups, bringing together prosecutor, police, and journalist organizations to strengthen the policies of protection of journalists. The Ministerial Council decision also calls on the participating states to put in place national databases of attacks and violence, to ensure that all cases are effectively followed up.

Ladies and gentlemen, I mentioned legal safety. And that’s why I also want to raise the issue of detention and imprisonment of journalists and media workers. In the last seven months, I raised 121 such individual cases – the vast majority of them in Turkey. This is an alarming situation, which has to be urgently addressed. In the ministerial decisions, the participating states, I quote, “urge the immediate and unconditional release of all journalists who have been arbitrarily arrested or detained, taken hostage, or who have become victims of enforced disappearance.” I want to highlight the situation of some of them, of Afgan Mukhtarli in Azerbaijan, of Roman Sushchenko in the Russian Federation, and Kirill Vyshinsky in Ukraine. No journalist in the OSCE region should be in prison because of their reporting, their investigation, or their critical opinion.

I will continue to work relentlessly for their release, and that of all imprisoned journalists in the OSCE region, such as Musa Kart and his colleague from Cumhuriyet, a very well-known newspaper in Turkey. In addition to the interventions on individual cases, my office also provides support to the OSCE participating states in their policy and legal reforms to ensure a better respect of international standards and OSCE commitments on media freedom. We also organized regional conferences to bring together civil society, journalist organizations, with government officials to discuss media freedom problems in the countries of the region, and to promote new policies and practices.

Last week, I was in Bishkek, Kyrgyzstan for our annual Central Asia media conference, where we discussed media freedom issues in Central Asia and challenges posed by new media technologies, particularly the conditions for creating an open and secure internet, media for minorities, and media self-regulation. In June, we held our annual Southeast Europe media conference in Sarajevo, discussing support to media development and pluralism, safety of journalists, and sustainable and independent public-service media.

I also regularly provide to the OSCE states legal analysis and recommendations to safeguard free media and free speech. This year I provided, with my office, eight legal reviews

to seven participating states – Albania, Austria, Kyrgyzstan, Montenegro, North Macedonia, Russia, and Slovakia. We provide it to all the countries, whatever is their situation, when they reform or when they ask an advice on the policies they have to put in place regarding media freedom.

Increasingly, the legal environment for media freedom is linked to the regulation of the online sphere. And you mentioned it. Digital technologies can contribute to fulfilling the visions of Article 19 of the Universal Declaration of Human Rights, which states everyone has the right to freedom of opinion and expression. This right includes freedom to all opinions without interference, and to seek, receive, and impart information and ideas through any media, and regardless of frontiers. And here, the key point is through any media and regardless of frontier. And from this point of view, the new technologies and the open internet is a chance and an opportunity.

But it is also clear that this abundance of information and sources has created new challenges and new risk. How do we address the digital dissemination of violent extremist content, or terrorist propaganda, and hateful rhetoric? How do we tackle the problem of disinformation, fake news, and viral deception? How do we ensure media diversity in an economic environment that has financially devastated the media landscape and the resources available for professional journalism? This, and other questions linked to online freedom of expression including surveillance and the use of artificial intelligence, are key for our future. We have seen in recent years a number of new legislations with the aim to tackle terrorist propaganda, hate speech, online defamation, and fake news.

It is important to ensure that any legal restriction against terrorist content, violent extremism and violent hate speech are proportionate and do not impede freedom of expression. There are recognized exceptions to freedom of expression, as outlined in Article 19 of the International Covenant on Civil and Political Rights. But these restrictions must be established by law, in conformity with international standards. And each decision must respect the principles of necessity, proportionality, and due process. We need in particular to find the right balance in the demands to social media platforms regarding the regulation of online content. We cannot put them in charge of deleting or blocking all unpleasant content, especially if we want to effectively combat the worst kind of violent speech – racism and terrorist propaganda.

It's legitimate to ask them to do more, especially in the fight against terrorism or hate speech, but we should not ask them to shape the future of freedom of expression. They are and should remain intermediaries, not publishers, of every citizen's opinion. Who will decide, under many pressures, what can or cannot be said? This will be a very dangerous pass. The social media platforms and the internet intermediaries must undoubtedly be more transparent with regards to the use of artificial intelligence and algorithm, with also political advertising policies and respect for privacy. They also need to respect international human rights law.

That's why we need to establish another side of the internet intermediaries that will include representative of the states, academy, and civil society, especially when it comes to the use of machine learning and artificial intelligence in the moderation and blocking of content. And we need traditional appeal mechanism, which perhaps in the future the creation of

specialized e-court which will establish jurisprudence of online content regulation, in line with existing guarantees for freedom of expression and other fundamental rights. In this new and complex domain, there are no simple answers. And we need to achieve coherence between terms of services, national legislation, and international human rights law.

Distinguished Commissioner, ladies and gentlemen, there are no simple answers neither to the specific issue of disinformation and propaganda. I think we should rather look for a holistic response. Firstly, there is a need to increase the public awareness about the risk of manipulation of information. There can be specific awareness campaigns before an election period, for example. But it is also a matter of maintaining permanent vigilance, so that people develop critical reading skills. That's why media literacy at a civil-level response should become a priority, especially in school curricula, from primary school through to higher education.

The third level is to support the development of quality information provided by professional journalists and independent and diverse media, including independent public service media. Among the many response tools which have emerged in recent years are fact-checking initiatives. And I would also stress that the states and authorities need to provide better access to information and to be themselves reliable sources of information. In the most severe cases of international manipulation of information that could endanger safety, or public order, or democratic process, it is more important to me to ensure the identification and attribution of the origin of the false information and to debunk the manipulation in the eyes of the public than to try to preemptively block any kind of false news from circulating on the internet.

There is no magic law that will protect us from false information. And there are no administrative measures that will solve this. We must develop the capacity of the whole society to counter disinformation. And we need to help societies to become more resilient. We also need more international cooperation, as this is also a security issue. This reinforces the necessity for a clear commitment by all OSCE participating states to combat disinformation in their own country, but also to renounce any kind of international manipulation that would be aimed at interfering in the political and social situation in another country.

Information today more than ever is a public good that is critical to the survival of our democracy and to our common security. The OSCE, with its comprehensive security approach, is an excellent place for finding solutions to protect human rights and provide more security at the same time. In view of these new challenges, your participation and your support to the OSCE as a platform for dialogue and an instrument for action is more important than ever – today, than ever. Thank you for your attention and for your invitation.

HASTINGS: I thank you so much. You made so many relevant points. As a friend of education – and I'm sure you when you were a parliamentarian were, as I am, a friend of education – I'm particularly pleased at your notions with reference to schools.

Let me ask you, as you look across, Harlem, the OSCE landscape, how do you assess the role of governments, of some participating states, that enable and even foment dehumanizing speech in their own public or the young? And while I don't want to appear partisan, as I am, a

lot of these national leaders bear a tremendous amount of responsibility in this regard. And no less a place than the United States and its national leader needs to pay attention to what they say and the impact that it has in our society. And we're witnessing that right here also. While the United States may be looked upon by some as a great model of free speech, when leaders take it upon themselves to hurl epithets at the media, and constantly berate them, it can only add fuel to what is already a bad fire in journalism.

So how do you see this in the participating states?

DÉSIR: Well, first, I would say, the more you lead in an issue the more responsibility you have on this issue. The United States is a historical strong leader for free speech and for freedom of the press. And it's clear that the messages sent by democracies regarding respect for the press in this very challenging time have an impact outside of their home border. And I think it's important – that's why I mention that part of the recent ministerial decision adopted by the 57 participating states in Milan – that is very important that the leader bring to the people the message of the importance of the role of the press, and of free and independent press in the functioning of democracy.

When we look – and I recall, and you are also doing – to the many cases of attacks and killings of journalists in the recent period, what was the most surprising in a way is that it also happens in the most advanced democracy, in EU member state, for example. I recall the assassination of Daphne Caruana Galizia in Malta, a journalist who was investigating on corruption issues in a democratic country, or Ján Kuciak in Slovakia. For other reason, because it was a terrorist attack, but the murder of the journalists of Charlie Hebdo in France. So there was and there is still attacks and killings of journalists in situation of conflict, in places and in times where there were—there were instability. But I also mentioned Lyra McKee in Northern Ireland. This is a mixed situation, we could say.

But there is also risk for all journalists everywhere. So it shows that it's a time where for different reasons there's people who think that they can stop the voice of the press, or put pressure on the press by physical intimidation, by death threats. And it's very important that there is no acceptance, banalization of such attitude. In Western Balkans, for example, that's something we very much insisted when we meet with the leaders of the countries – with prime minister, with the president of the country – that they first avoid themselves to be part of such attacks against the press, but also that any time there is threats and attacks, they condemn it publicly and they show that they are dedicated to protecting the press.

Here it's very important for us to send this message to political leaders that, of course, they can be unhappy with the press coverage of their activity. And that they can, and they have the right to respond, and to have a critical statement on the substance of an article, an opinion, or report. But it's something different to put at stake the legitimacy of the work of the journalists. And on the contrary, I think it's very important for them to be aware that they – in fact, do show respect and to accept this critical role of the press as a sort of protection for the journalist. So I wanted to turn it positively, I would say that it's a part of their duty to overcome their own reticence, so that by the attitudes they will also lead by example and get the message to the public that you have to protect and to respect the role and the security of journalists.

HASTINGS: How do you feel the role of members of Congress and parliamentarians in the OSCE space – what do you think our role should be and can be in addressing – in addressing the safety of journalists?

DÉSIR: Thank you for this question. I'm sure you, as a congressman, are the one who knows the best what you can do. But I'm sure that when the Congress as an institution, but also a member of Congress, raise the issue of journalists who are threatened, or who are prosecuted, or who are imprisoned, who are under assault, it can make a difference. It can make a difference in their own countries, because your voice can be heard in the whole OSCE region. And I was wondering what will be efficient, but I think that when we raise a case, when we do an intervention, of course it very much depends on the goodwill of the states, the developments, the people in charge in each of the OSCE participating states.

But I'm sure that the fact to raise a name, to avoid that situation become unknown, the fact to make public the awareness about the situation as an impact, ultimately, is a protection for the concern of journalists or media. And the voice of congressmen and of the Congress is very strong and can be very helpful. So I would say that for us, it's very helpful when Congress can take on board some of the issues that we raise. But also, of course, I would also add that generally speaking in international relationship, being the government relation or the parliamentary relationship, in a – in a time when security issues, risk of conflict, of war, very alarming situation in some places of the work are taking so many place – but also other issue like migration and so on – it's important to avoid that human rights, and freedom of expression, and freedom of the press didn't disappear from the international agenda.

So the simple fact of mentioning it as an issue which is discussed also in – also in closed-door meeting with counterpart from other participating state is, I think, important and helpful. And shows that we take interest in this issue and that we consider it is a part of building a more secure future for the world.

HASTINGS: I believe the last award to journalists at the annual OSCE meeting occurred at the instance of the journalist in Russia, the lady that was killed was given the award. Something that I hope to participate with you in doing is approaching some of the entities that may be interested in restoring that award to our courageous, our journalists at our annual OSCE meeting. I recognize that it requires raising some funds, but it is certainly something that we all do. We did it for a significant number of years, and then it kind of went by the boards.

You, I understand, recently released a judicial reform strategy, and you discussed there Turkey. And in addition, in your remarks here today you mentioned that the persons that are detained, the more significant number of them – I believe you said 120-plus persons that you know of that are presently detained in participating states – that Turkey has the most. How do you describe the press freedom situation in Turkey, in light of your recent trip? And the very first trip abroad that I took was to Turkey. And Erdogan was the mayor of Istanbul at the time. And I met him.

And interestingly enough, since this is about journalism, I had the good fortune of having dinner with Walter Cronkite, the celebrated journalist from the United States. And I was at that time just awed by what I perceived as a young man that was about the business of elevating the status of his country. And while I recognize that there have been significant interventions in the region generally, and the fight that exists between some of the countries outside the participating state – particularly as it pertains to Turkey – for leadership roles in that particular area may have caused some of the tacking towards nationalism that we see now. And this is 25 years later that I'm talking, having visited Turkey in my first year here in Congress. And it certainly has changed.

And as it pertains to journalism, what I read, and particularly with the death of Khashoggi there in Turkey – and I still have not seen the results of their investigation to the extent that we know who was responsible. And I just am interested in how you perceive Turkey, having recently visited there, as it pertains to freedom of the media.

DÉSIR: I just had an official visit to Turkey last month, meeting both with member of government, member of parliament, and with civil society organization, and many journalists. The situation is very alarming since the coup attempt of 2016. And a lot of trial and prosecution of journalists, which lead many of them to be detained. Some have been released. Some were released and written to jail, like six of the staff member journalists of a very well-known newspaper, Cumhuriyet. Among the journalists I've met during my trip most are under prosecution, waiting for the next hearing of their ongoing trial, and living with a kind of Damocles sword against their head. Many have been facing that kind of situation before.

With the authority we discussed both about these many individual cases that we have been raising, because most of them – most of these journalists are accused of complicity of terrorism or participation for terrorist group, for example, while it's absolutely clear – and most of the time it was also demonstrated during the hearing of their trial – that they have nothing to do with terrorist activity. The fact, for example, to cover situation in the eastern part of the country, the conflict with the Kurds, doesn't mean that you are supportive of terrorist activity, even if you have published some article which are critics of the activity of the government. So we have discussing a lot of this individual cases.

There's also a lot of journalists that are accused of a link to the Gülenist movement or being by so linked to the organization of the coup attempt, while there is no evidence of them being anything else than just writers or journalists, like the Altan brother(s) for example. And then we have also discussed about the need of reforms of many of the legislation which allowed this kind of prosecution. There is, as you mention it, a judicial reform strategy which has been announced, which is ongoing. It could help to improve this situation. There is also a group of reform which is working under the presidency of different ministry – minister of justice, minister of foreign affairs – but which was also chaired for one of its important meeting last May by President Erdogan himself.

This shows a willingness to reform a part of the judicial system, but we think that there is several specific legislation, especially the anti-terror laws, the – some articles of the criminal code, the internet legislation, which have to be reformed to avoid this situation. I mentioned the

internet because many websites have been closed – thousands of it. For example, Wikipedia is still not accessible in Turkey as a whole. Websites and encyclopedia because the government – or some courts has a disagreement with the content of some articles – of some articles. So that's the kind of situation we are discussing with the authority.

And we really wish that Turkey, which is a founding member of the OSCE, a founding member of Council of Europe, and who has in its constitution a provision which says that the international commitments of the country are prevailing, in the case of conflict, to national legislation or decision, which are against this commitment – especially in the field of human rights. We'll stick to these commitments, and we'll solve this situation.

HASTINGS: Did the government indicate whether it would consult with your office or with the Office of Democratic Institutions and Human Rights, ODIHR, as it works to elaborate and implement the judicial reform strategy?

DÉSIR: The government during my visit, yes, says that it will continue to consult with my office. And I wish that they will take into consideration the recommendations that we have been providing, including a legal review of a series of legislation transformation, which happens at the end of the state of emergency, when many exceptional disposition, which were in the law in the state of emergency, were transferred through especially presidential decree to permanent legislation. But so far, I must say, that we are still hoping for more, yes, concrete consideration about these different analysis that we have been giving to the government. Even if, I must recognize, that this was discussed, especially during the meeting with the ministry – with the deputy minister of justice.

HASTINGS: All right. The Committee to Protect Journalists scored Azerbaijan as the second to Turkey largest jailer of journalists, although my understanding is that a few of them have been released this year. But what is particularly alarming is that Azerbaijan is now a country without a single independent TV, or print, or radio outlet. And it has escalated its repression of online media, blocking virtually all Azeri language independent internet news outlets, and increasing legal restrictions on online information.

So my question to you is, what interactions do you have with Azerbaijani officials to address these grave media freedom violations? And if you haven't already traveled to that country, do you plan to travel there soon to raise these concerns?

DÉSIR: Yes, the situation in Azerbaijan is for us of great concern. I plan to travel to the country and discuss this with the minister of foreign affairs. And we agree on the principle, but we still wait for concrete disposition regarding this visit. We have been raising to the authority many cases of imprisoned or prosecuted journalists. Some have been released. And there was a positive discussion on their cases. But most of them are not solved issues and are not released. There is very few remaining independent media. The Turan Agency is a very interesting and courageous independent media which operate from the country, but with many difficulties. Most of the independent media are operating from outside.

We have raised the issue of a journalist who was abducted in Tbilisi – an Azerbaijan journalist, Afgan Mukhtarli who was living abroad but was abducted in Georgia and reappeared as a prisoner in Azerbaijan. So that's also a very strong issue of concern for us. We really wish that Azerbaijan will consider its OSCE commitments in regards to this independent media and different voices, ones who have the possibility to express their view of the situation of the country.

HASTINGS: I commend your organization for its 21st OSCE Central Asia media conference in Bishkek, where you are just coming from last week. My belief is that Central Asia remains one of the worst regions. You may recall, Harlem, that when I was President of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe – and I'm fond of saying that if you can say that, you ought to be the president of that organization. (Laughs.) But anyway, I visited in two years 37 countries. And I was in Kyrgyzstan and Kazakhstan and Uzbekistan. I think I'm the only member of Congress who has spent a week in Uzbekistan. (Laughs.)

But the place that struck me most, not only from our perspective as – regarding journalism – was Turkmenistan. And this was when Turkmenbashi was alive. And I wonder about hope in those areas. In all the place I visited in the world, I've been able to coax a smile out of children. And Turkmenistan was the only place that I've ever visited in the world that I couldn't get a child to smile. And while that doesn't fit with our program here today, what were your impressions of the recent conference? And what sort of participation did it garner, particularly from those more repressive countries? And do you feel that there is any sign of hope in that region?

DÉSIR: Well, in the region I would say yes, because the situation has changed in some of the countries, and it's very different from some years ago. For example, in Uzbekistan, if I compare to three or four years ago, most of the detained political prisoner and journalists have been released. Some media are developing their activities in a very new and different context. Even if we are to raise the issue of blocking of civil websites this year, but ultimately most of them were unblocked – except one, which is the Uzbek edition of Radio Free Europe/Radio Liberty. And we are still discussing with the authorities. But we are in a real discussion with them on this situation. And they consider our intervention regarding the many media and websites that were blocked. And they even publicly say that they take into consideration our intervention to unblock this media.

The last regional conference you referred to that we organized was last week in Bishkek, in Kyrgyzstan. And here too the discussion I had with my authorities, with minister of foreign affairs, minister of communication were very open. And the journalists we have met in the country are considering that there has been a very important change. But you're right to say that in other countries – you refer to Turkmenistan in particular – we are still seeing a situation where free media cannot develop, access to internet is impeded, journalists cannot publish freely. So this is a very contrasted situation now in the region, which very much depends on the internal political dynamic of each country.

I think that the OSCE, the OSCE Parliamentary Assembly, all the tools at our disposal must be used to work with the governments and the authorities of these countries so that they can take the best of the regional dynamic which is developing on many issues – economic, security, issues – but which I wish could also become a dynamic regarding freedom of the media. And that’s something we have been insisting on. Almost all the countries of the region, unfortunately I will not say all, are aware of the fact that the digital transformation is key for their economic future, for their role in their environment, and for bringing more investment and more opportunities to the economy and to the population.

But I wish that they will understand that you cannot bet on the advantages of this digital transformation by restricting the free flow of information. That innovation comes also with the free flow of idea, of opinion, that international investors are also looking at freedom of the press as a test of the respect for rule of law in all its dimension, and that the country will not be able to develop and to take the best of the new economic trends in this region if they reframe the development of independent and free press, and freedom of expression – especially the online freedom of expression. But that’s something on which we have to invest, I think, a lot of diplomatic effort. It’s clear that in some countries there is a strong understanding of this, and that they consider it as a regional cooperation could also contribute to this. But in other countries, we don’t see this evolution now.

HASTINGS: Yeah. Very recently some of my colleagues visited Hungary. And in a discussion with a couple of them they brought back the notion that in Hungary there is extraordinary media consolidation. And a lot of it is associated with associates of Prime Minister Orbán. Likewise, in Turkey the media consolidation is associated with the ruling party. And the question that I have is how have you sought to address media consolidation in your mandate? And is this something that concerns you, especially in countries like Hungary, where access to in-language media might be limited? And if so, what could be done about it?

DÉSIR: Media diversity and pluralism is a strong concern for me. And I don’t think that you can speak of media freedom if there is a concentration of all the media, and the ownership of the media in the hands of the same people, in any country. And in Hungary we have seen two phenomenon. One is the closing or the disappearance of some very strong legacy media newspaper, which were part of the media landscape, and which by history who are independent and happen to be perhaps very critical of the government, but who are part of this freedom of expression and freedom of the media, and also a movement of concentration in some media groups, which have a very strong role, especially in local media.

And so you’re right to say that this is a strong concern. And that we are – we are confronted to a kind of potential gaps between the formal legal framework, which I’m sure that pluralism and freedom of the press exist, and the reality of the economy of the media in a dedicated country, which is that the mass media, or the more influential media, are more and more in the hands of a few – a very few people, with strong political orientation probably, or links with the power. This is existing also in other countries. So here too the digital transformation of the media can – also plays a role, because it can weaken some of the legacy media, which are not always able to transform to the online new business model.

And it's very difficult for many media to develop is there is not behind them some investors which most of the time get its money from outside the media sphere, from other industry activities. So it can be a weakness for the development and the existence of independent media. I see that here in the United States. Of course, some very strong, big media – like The New York Times or some other things, it's the same for some European media – are able to adapt to more online subscription. And so they remain independent and can find their revenue just on the basis of producing information.

But we see that a lot of other media are more and more dependent from other investors. And I see that even here in the United States. There was a lot of disappearance of jobs in the media, of concentration. But there is still a pluralism, because this is a very big country with very strong legacy media. But when you transfer the situation to more – to smaller markets with less people able to invest in the media – and those people having less respect, I would say, for the independence of the media, then you see the risk. And that's one of our concern.

And here the mandate, I would say, is not enough. We should also work on concentration – competition policy, for example. I think that people which are other mandate, which are more economic mandate, which are in charge of looking and ensuring that in any field of the economy there is competition should also look at it. Usually there is also rules which apply to the media in competition policy, including in EU. But I'm not sure that they are really adapted to this situation.

I will also do a more personal remark. I think that we see some investors which come from outside the media sphere, who decide to invest in the media and who respect this media. We see also some media, like the Guardian, for example, in United Kingdom, who have – and some of the Nordic countries' media, which have built their independence on the base of kind of foundation or trust. Which means that people who put money into the media cannot influence the editorial lines. They cannot have a role in the board of the – of the newspaper of the media.

We should also, so I think, promote in the OSCE that kind of model of investment in the media, so that we could encourage people to invest in the media, but with some forms, some legal forms of the media companies which protect the journalists from the direct influence and interaction of the owner. This is a kind of a new approach, but we should promote this and we should perhaps do a kind of ranking of the media who are respecting the independence of their journalists.

HASTINGS: All right. You've been very generous with your time, and right on with all your responses. And I personally feel that the structure that your mandate allows for is in very, very good hands. So you know your stuff, as we would say in the vernacular. And that, to me, is reassuring, in spite of the difficult task. You have my good wishes for safe travel everywhere you and your wonderful staff go in your field operations. And you certainly have my cooperation. And I would encourage my colleagues to become as involved as their time permits in trying to address some of the issues and tagging along with you in the issues that you raised.

Wouldn't you know, as a parliamentarian, that they've called a vote. (Laughs.) So it comes at a time that I would like to have gone another 15 or 20 minutes with you, but I do have

my duties. I was – I forget, whether it was Poland or Hungary – someplace that I visited, that their parliamentarians only had one period during the day where they vote. And so all of their committee hearings, and everything else that they was doing would go on. And then they would have this time. Well, here in this place – (laughs) – we vote morning, afternoon, and night. And many hearings are interrupted. I’ve been a constant complainer about coming to a consensus about just one voting period during the course of the day. It would make a hell of a lot more sense than what we do.

But I really am glad to see you, and to know that the organization’s mandate is in excellent hands. So thank you, Harlem. And this closes our hearing. Ladies and gentlemen, I invite you to – what is the room –

STAFF: Room 200. Room 200, just down the hallway.

HASTINGS: Room 200. And there’s going to be a showing – is it a documentary?

STAFF: Documentary. “A Dark Place.”

HASTINGS: Documentary, “A Dark Place,” some of you may be interested in. And I thank you all so very much, our participants in the audience, for being here with us today. Thanks, Harlem.

DÉSIR: Thank you.

HASTINGS: OK.

[Whereupon, at 4:04 p.m., the hearing ended.]